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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/445,131	03/06/2000	JIANLEI XIE	RCA88670	9524

7590

04/21/2004

JOSEPH S TRIPOLI
PATENT OPERATIONS
2 INDEPENDENCE WAY
PO BOX 5312
PRINCETON, NJ 08543-5312

EXAMINER

LE, KIMLIEN T

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application

09/445,131

Applicant(s)

XIE, JIANLEI

Examiner

Kimlien T Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-13,15 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-13,15 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>15</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2653

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on January 29, 2004 have been fully considered but they are not deemed to be persuasive.

Applicant asserts on claims 1, 6, 15, 21, 22 and 23 :

"said first area and said second area being disposed between the center of the recordings medium and an outer circumference, said respective program data being disposed outside the outer circumference, and said first area and said second area occupying non-overlapping positions with respect to each other."

The Examiner maintains that Satoh et al shows "said first area and said second area being disposed between the center of the recordings medium and an outer circumference, said respective program data being disposed outside the outer circumference, and said first area and said second area occupying non-overlapping positions with respect to each other." (Fig. 10; See also column 6; lines 5-20)

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-6, 8-13, 15 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh et al. (U.S. Patent 5,764, 620) in view of Gotoh et al. (U.S. Patent 6,052,465).

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Regarding claims 1-2,4-6,9-11, 15, 22 and 23, note the following.

Satoh et al shows "said first area and said second area being disposed between the center of the recordings medium and an outer circumference, said respective program data being disposed outside the outer circumference, and said first area and said second area occupying non-overlapping positions with respect to each other." (Fig. 10; See also column 6; lines 5-20)

Satoh et al lacks recording the programs and areas on different sides of a two-sided recordable medium. Satoh et al discloses a one-sided medium.

Gotoh et al '465 in optical storage art, discloses an optical disc recordable on two sides, to increase recording capacity. Therefore, it would have been obvious to use a 2-sided disc as the disc of Satoh et al and record Satoh et al's programs and identifying areas on both sides thereof as suggested by Gotoh et al. The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to provide Satoh et al with a 2-sided disc as the disc of Satoh et al and record Satoh et al's programs and identifying areas on both sides thereof as suggested by Gotoh et al, in order to increase recording capacity.

Regarding claims 3,8,12,13 and 21, note the following.

Satoh et al lacks BCA areas as the identifying areas (claims 12-13), partially removed reflection film as the identifying areas (claim 21), and angularly different positions for the identifying areas (claims 3, 8). Satoh et al records such identifying areas with the program data. Gotoh et al in the optical disc art, discloses using BCA areas as the identifying areas (claims 12-13), partially removed reflection film as the identifying areas (claim 21), and angularly different positions for the identifying areas (claims 3, 8) as shown in Figs 4,5,7 and 23, to provide improved piracy prevention. Therefore, it would have been obvious to provide Satoh et al with

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BCA areas as the identifying areas (claims 12-13), partially removed reflection film as the identifying areas (claim 21), and angularly different positions for the identifying areas (claims 3, 8) as taught by Gotoh et al. The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to provide Satoh et al with BCA areas as the identifying areas (claims 12-13), partially removed reflection film as the identifying areas (claim 21), and angularly different positions for the identifying areas (claims 3, 8) as taught by Gotoh et al, in order to provide improved piracy prevention.

Allowable Subject Matter

3. Claims 19-20 are allowed.

The following is an examiner's statement of reasons for allowance:

In independent claim 19, the limitation of a method for processing a disk having a plurality of programs on the disk, comprising the steps of identifying a count representing the number of laser encoded areas on the disk, each one of the plurality of programs on the disk being uniquely associated with a particular one of the laser encoded areas; obtaining a first laser encoded data by reading from a first laser encoded area on the disk; and obtaining a subsequent laser encoded data by reading from a subsequent laser encoded area on the disk until the number of laser encoded areas read equals to the count, is not anticipated, nor made obvious, over the prior art of record.

4. The dependent claims, being further limiting, definite and fully enabled by the Specification, are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Point of Contact

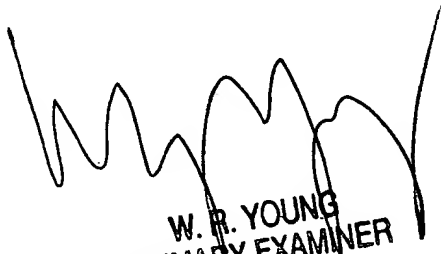
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimlien T Le whose telephone number is 703 305 3498. The examiner can normally be reached on M-F 8a.m-5p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 703 305 6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimlien Le



W. R. YOUNG
PRIMARY EXAMINER